

Involuntary Civil Commitment is a legal process for a probate court to order a person into treatment for their mental illness. It is sometimes called “court ordered treatment”, “involuntary commitment”, “pink slipped” or even “being probated”.

Anyone, including court personnel, a prosecutor, a law enforcement officer, family or friends may pursue a civil commitment. This process begins by the affiant filing an affidavit with the probate court in the county where the ill person resides. The affiant must allege facts sufficient to provide the probate court probable cause to believe the person is mentally ill, needs hospitalization and refuses examination or treatment. The person filing the Affidavit must provide the Court with firsthand knowledge of the person’s behavior from the last thirty days.

To begin this process you need to complete an Affidavit of Mental Illness (*insert hyperlink to Affidavit of Mental Illness*). You may complete the affidavit prior to coming to the Courthouse; however, **DO NOT SIGN** UNTIL YOU ARE HERE IN FRONT OF ONE OF THE DEPUTY CLERKS.

Once the paperwork is completed it will be presented to the Judge for review. Due to the Court’s busy docket, it may not be reviewed immediately. We recommend beginning this process with the Court in the morning hours if you expect the person to be transported to the hospital the same day. The Judge can make a decision based solely on the Affidavit of Mental Illness or you may be required to appear in Court to give testimony under oath. The Judge may require a written recommendation for treatment or statement that the person has refused treatment from the person’s medical provider, psychiatrist or psychologist.

Freedom and privacy are important to most people and are protected by the US and Ohio Constitutions. Only if the Judge feels you have presented clear and convincing evidence that probable cause exists, an Order to Detain and Convey will be issued to the Williams County Sheriff’s Department. The person will be picked up and transported to Community Hospital and Wellness Center where they will undergo a mental health assessment to determine if they need to get treatment so they are not a danger to themselves or to other people. If the doctor decides treatment is necessary, the person can be held for three days.

An attorney is not required to complete this process; however, it is acceptable to proceed with the help of private counsel. The Court staff are prohibited by Ohio law from engaging in the unauthorized practice of law. This prohibits Court staff from preparing or assisting in the preparation of any legal document or giving legal advice.

Note: There is a separate procedure that can be utilized for persons suffering solely from alcohol or substance abuse. Forms for this procedure can be found on the Ohio Supreme Court website.